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PATENT  
Attorney Docket 046124-5005-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: <b>Takashi Osumi et al.</b>	)	
	)	
Application No. <b>10/753,405</b>	)	Group Art Unit: <b>1652</b>
	)	
Filed: <b>January 9, 2004</b>	)	Examiner: <b>E. Slobodyansky</b>
	)	
For: <b>Green Fluorescent Proteins and Blue Fluorescent Proteins</b>	)	<u>Dated: January 12, 2007</u>
	)	

U.S. Patent and Trademark Office  
Customer Service Window, **Mail Stop Petition**  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

TRANSMITTAL

1. Transmitted herewith is a Petition for Acceptance of Color Drawings and Photographs Under 37 C.F.R. 1.84 (a)(2) and (b)(2) in response to the Notice Regarding Drawings dated November 13, 2006.
2. Additional Papers Submitted:
  - (i) Three sets of color drawings of Figures 1 to 4D
  - (ii) Copy of Notice Regarding Drawings
  - (iii) Copy of Form PTO-948
3. Fee Payment: The Commissioner is hereby authorized to charge **\$130.00** to Deposit Account No. 50-0310 for petition fee.
4. Constructive Petition: **Except** for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **January 12, 2006**  
Morgan, Lewis & Bockius LLP  
Customer No. **09629**  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
202-739-3000

Respectfully submitted,  
**Morgan, Lewis & Bockius LLP**  
*Elizabeth C. Weimar*  
Reg. No. 45,397  
Elizabeth C. Weimar  
Registration No. 44,478



PATENT

Attorney Docket No. 046124-5005-US03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*In re* Application of: )  
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Takashi OSUMI *et al.* )  
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Application No.: 10/753,405 ) Group Art Unit: 1652  
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Filed: January 9, 2004 ) Examiner: E. Slobodyansky  
)  
For: GREEN FLUORESCENT PROTEINS )  
AND BLUE FLUORESCENT PROTEINS )

**Petition for Acceptance of Color Drawings and Photographs**  
**under 37 C.F.R. 1.84 (a)(2) and (b)(2)**

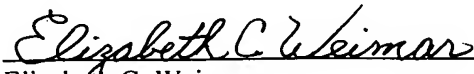
Submitted herewith are three (3) sets of photographs of Figures 1, 2, 3, 4A, 4B, 4C, and 4D as required by 37 C.F.R. 1.84(a)(2). Please charge the petition fee in the amount of \$130.00 as set forth in 37 C.F.R. 1.17(h) to our Deposit Account No. 50-0310. Applicants respectfully request review and acceptance of the color photographs as formal drawings. Applicants note that the specification already contains the language required by 37 C.F.R. 1.84(a)(2) and that therefore no amendment is necessary.

Should any further drawing informalities be deemed to be existing, Applicants respectfully request that the undersigned attorney be timely advised.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Dated: **January 12, 2007**  
Morgan, Lewis & Bockius LLP  
Customer No. **09629**  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
202-739-3000

Respectfully submitted,  
**Morgan, Lewis & Bockius LLP**

  
Elizabeth C. Weimar  
Reg. No. 44,478

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01 FC:1464 130.00 DA



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NUMBER <b>10/753405</b>	FILING RECEIPT DATE <b>01/09/2004</b>	FIRST NAMES APPLICANT <b>OSUMI, TAKASHI</b>	ATTORNEY DOCKET NUMBER <b>71-884-1</b>
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**MORGAN LEWIS & BOCKIUS LLP**  
1111 PENNSYLVANIA AVENUE NW  
WASHINGTON DC 20004

Examiner  
**SLOBODYANSKY, ELIZABETH**

Art. Unit

Paper Number

1652

Docketed 11/16/06 Attorney RJG/ECW/Fmk  
Case 46124-5005  
Due Date 1-13-07  
Action DLGS  
By CJM Ctk jt

Date Mailed: 11/13/2006

## Notice Regarding Drawings

Corrected drawings for the above-identified application, received in the USPTO on 6-10-04 are still not acceptable for the reason(s) identified on the attached PTO-948. Applicant is given one opportunity to correct the informalities within a two-month time period from the mailing date of this Notice. **THIS TIME PERIOD IS NOT EXTENDABLE UNDER EITHER 37 CFR 1.136(a) OR 1.136(b).** Failure to take corrective action within the set period will result in abandonment of the application.

### RETURN CORRECTED DRAWINGS TO:

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Joshua D. Chase

Office of Patent Publication,

Publishing Division

703-305-0333 ext-138

**RECEIVED**

NOV 16 2006

MORGAN, LEWIS & BOCKIUS LLP



## NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW

The drawing(s) filed (insert date) 6-10-04 are:

- A. ☐ approved by the Draftsperson under 37 CFR 1.84 or 1.152.  
 B. ☒ objected to by the Draftsperson under 37 CFR 1.84 or 1.152 for the reasons indicated below. Corrected drawings are required.

**1. DRAWINGS.** 37 CFR 1.84(a): Acceptable categories of drawings: Black ink or Color (3 sets required).

☒ Color drawings are not acceptable until petition is granted. Fig(s) 1-4D  
☐ Pencil and non black ink not permitted. Fig(s) \_\_\_\_\_

**2. PHOTOGRAPHS.** 37 CFR 1.84(b)  
☐ One (1) full-tone set is required. Fig(s) \_\_\_\_\_  
☐ Photographs may not be mounted. 37 CFR 1.84(e)  
☐ Photographs must meet paper size requirements of 37 CFR 1.84(f). Fig(s) \_\_\_\_\_  
☐ Poor quality (half-tone). Fig(s) \_\_\_\_\_

**3. TYPE OF PAPER.** 37 CFR 1.84(e)  
☐ Paper not flexible, strong, white, and durable. Fig(s) \_\_\_\_\_  
☐ Erasures, alterations, overwritings, interlineations, folds, copy machine marks not accepted. Fig(s) \_\_\_\_\_

**4. SIZE OF PAPER.** 37 CFR 1.84(f): Acceptable sizes:

21.0 cm by 29.7 cm (DIN size A4) or  
 21.6 cm by 27.9 cm (8 1/2 x 11 inches)

☐ All drawing sheets not the same size. Sheet(s) \_\_\_\_\_

☐ Drawings sheets not an acceptable size. Fig(s) \_\_\_\_\_

**5. MARGINS.** 37 CFR 1.84(g): Acceptable margins:

Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm

☐ Margins not acceptable. Fig(s) \_\_\_\_\_

☐ Top (T) ☐ Left (L)  
☐ Right (R) ☐ Bottom (B)

**6. VIEWS.** 37 CFR 1.84(h)

REMINDER: Specification may require revision to correspond to drawing changes, e.g., if Fig. 1 is changed to Fig. 1A, Fig. 1B and Fig. 1C, etc., the specification, at the Brief Description of the Drawings, must likewise be changed.

☐ Views not labeled separately or properly.

Fig(s) \_\_\_\_\_

**7. SECTIONAL VIEWS.** 37 CFR 1.84(h)(3)

☐ Sectional designation should be noted with Arabic or Roman numbers. Fig(s) \_\_\_\_\_

**8. ARRANGEMENT OF VIEWS.** 37 CFR 1.84(i)  
☐ Words do not appear on a horizontal, left-to-right fashion when page is either upright or turned so that the top becomes the right side, except for graphs. Fig(s) \_\_\_\_\_

**9. SCALE.** 37 CFR 1.84(k)  
☐ Scale not large enough to show mechanism without crowding when drawing is reduced in size to two-thirds in reproduction. Fig(s) \_\_\_\_\_

**10. CHARACTER OF LINES, NUMBERS, & LETTERS.** 37 CFR 1.84(l)

☐ Lines, numbers & letters not uniformly thick and well defined, clean, durable, and black (poor line quality). Fig(s) \_\_\_\_\_

**11. SHADING.** 37 CFR 1.84(m)

☐ Solid black areas pale. Fig(s) \_\_\_\_\_

☐ Solid black shading not permitted. Fig(s) \_\_\_\_\_

**12. NUMBERS, LETTERS, & REFERENCE CHARACTERS.** 37 CFR 1.84(p)

☐ Numbers and reference characters not plain and legible. Fig(s) \_\_\_\_\_

☐ Figure legends are poor. Fig(s) \_\_\_\_\_  
☐ Numbers and reference characters not oriented in the same direction as the view. 37 CFR 1.84(p)(1) Fig(s) \_\_\_\_\_

☐ English alphabet not used. 37 CFR 1.84(p)(2) Fig(s) \_\_\_\_\_

☐ Numbers, letters and reference characters must be at least 32 cm (1/8 inch) in height. 37 CFR 1.84(p)(3). Fig(s) \_\_\_\_\_

**13. LEAD LINES.** 37 CFR 1.84(q)

☐ Lead lines missing. Fig(s) \_\_\_\_\_

**14. NUMBERING OF SHEETS OF DRAWINGS.** 37 CFR 1.84(t)

☐ Sheets not numbered consecutively, and in Arabic numbers beginning with number 1. Sheet(s) \_\_\_\_\_

**15. NUMBERING OF VIEWS.** 37 CFR 1.84(u)

☐ Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig(s) \_\_\_\_\_

**16. DESIGN DRAWINGS.** 37 CFR 1.152

☐ Surface shading shown not appropriate.

Fig(s) \_\_\_\_\_  
☐ Solid black surface shading is not permitted except when used to represent the color black as well as color contrast. Fig(s) \_\_\_\_\_

COMMENTS:

Reviewer J. CHASE

If you have questions, call (703) 305-8404.

Date 11-13-06

Attachment to Paper No. \_\_\_\_\_